



DEPARTMENT OF THE ARMY  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

REPLY TO  
ATTENTION OF:  
ENVIRONMENTAL ANALYSIS TEAM

June 29, 2001

**PROJECT:** Dunkirk Harbor Operations & Maintenance (Channel Dredging and Open-Lake Discharge), Chautauqua County, New York

SCOPING FACT SHEET

1. Introduction. Implementation of the National Environmental Policy Act requires that Federal agencies initiate "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to the proposed action." The purpose of this fact sheet is to disseminate information on proposed Corps of Engineers activities and to elicit the input of any interested party. A previous scoping fact sheet was sent out on January 11, 2001. This current scoping fact sheet addresses the proposed addition of a second nearshore discharge site.

2. Project Location. Dunkirk Harbor is located on the south shore of Lake Erie approximately 40 miles southwest of Buffalo, New York and 50 miles northeast of Erie, Pennsylvania in Chautauqua County, New York (Figure 1). The U.S. Army Corps of Engineers (USACE), Buffalo District, maintains the Federal navigation channels and structures at the harbor in support of commercial and recreational navigation.

3. Project Description. The Buffalo District anticipates the need to periodically dredge and discharge material from the Federal navigation channels of Dunkirk Harbor in order to maintain sufficient depth for commercial and recreational vessels. The attached map (Figure 1) shows the authorized limits and depths of the Federal navigation channels. Up to an additional one foot of material may be removed to insure the minimum authorized depth.

Dredging operations are generally performed during the period between July 1 and September 30. This environmental window has been developed through coordination with the U.S. Fish and Wildlife Service (USFWS) and New York State Department of Environmental Conservation (NYSDEC). The Corps of Engineers is proposing to dredge Dunkirk Harbor in the October-December 2001 timeframe. Therefore, the COE is requesting a one-time waiver of the fall exclusionary cutoff date. This waiver is necessary in the event channel dredging is required in 2001.

An estimated total of 20,000 cubic yards of material are expected to be dredged from the Dunkirk Harbor Federal navigation channels annually. Sediments would be removed from the channel bottom by mechanical or hydraulic dredge and placed into hoppers aboard ship or scow for transport to the discharge site. The contractor performing the maintenance dredging would determine the dredging method. In previous years, clamshell bucket dredges have been used to complete the required work.

The material to be dredged consists primarily of silts and clays, with variable amounts of sand. Based on joint United States Environmental Protection Agency (USEPA)/USACE protocols for the testing and evaluation of Great Lakes dredged material (Great Lakes Dredged Material Testing and Evaluation Manual), all sediments within the Dunkirk Harbor Federal navigation channels have been determined to be suitable for open-lake discharge. Sediments in the lakeward portion of the Inner Channel, and Access and Dock Front Channels are being analyzed in 2001 in order to verify their suitability for open-lake discharge.

The coarse-grain (sandy) material would be discharged into a previously proposed nearshore/beach nourishment site located directly northwest of Battery Point, while fine-grain material would be discharged into the proposed enlarged open-lake site located one mile due north of the U.S. West Pierhead Light. In addition to the nearshore/beach nourishment site near Battery Point, the Corps of Engineers also proposes to include another nearshore area for the discharge of the dredged coarse-grain (sandy) material. This site would be located east of the Lake Approach Channel and lakeward of the eastern U.S. Breakwater (Figure 2). Water depths at this site range from about 2 to 18 feet below LWD<sup>(1)</sup>. This area would allow the contractor to sidecast the dredged material and significantly reduce dredging costs.

The existing open-lake discharge site would be enlarged in an easterly direction to minimize impacts of the dredged material discharges on the enhanced lake trout habitat located in the vicinity of the site. The Niagara Mohawk Power Corporation, in coordination with the USFWS and NYSDEC, recently created the habitat with the placement of excavated shale and limestone (from Niagara Mohawk's Dunkirk Harbor expanded channel project) near the centerline of the open-lake site. Expansion of the current open-lake site to the east would avoid adverse impacts on this artificial reef.

4. Alternative Plans. The following alternative plans will be evaluated as alternatives to the proposed plan:

- (a) dredging and discharge of all dredged material at the existing authorized open-lake site;
- (b) dredging, dewatering, and upland discharge of the dredged sediments;
- (c) dredging and discharge into a confined disposal facility; and
- (d) the no-action plan, under which the Federal Government would do nothing to maintain the harbor.

<sup>(1)</sup> Low water datum (LWD) for Lake Erie is 569.2 feet above mean sea level at Rimouski, Québec, Canada.

5. Potential Impacts. Overall, the recommended project harbor maintenance activities would result in no significant adverse environmental impacts. Table 1 presents a general assessment of the environmental impacts associated with the proposed dredging and discharge activities.

6. National Environmental Policy Act (NEPA) Compliance. A Final Environmental Impact Statement (EIS) for operation and maintenance activities at Dunkirk Harbor was completed in 1975. This EIS was most recently updated with a Supplemental Information Report and Section 404(b)(1) Evaluation in 1982. Currently, this EIS is being updated with an Environmental Assessment (EA) to evaluate the impacts of the discharge of dredged material at the proposed nearshore/beach nourishment and enlarged open-lake sites.

In addition to NEPA, the proposed maintenance activities must also comply with other applicable and relevant Federal laws. Table 2 presents a comprehensive list of environmental statutes, executive policies, etc. Therefore, an additional intent of this fact sheet is to disseminate pertinent project information to meet all applicable coordination/consultation requirements required under their provisions. Table 3 lists the agencies, organizations, and other affected parties contacted for coordination.

7. Clean Water Act. USACE has completed a Section 404(a) Public Notice and Section 404(b)(1) Evaluation, as required under the Clean Water Act. In addition, USACE applied for and received Section 401 Water Quality Certification from the NYSDEC on March 8, 1998. This permit is valid through December 31, 2003.

8. Coastal Zone Management Act. USACE–Buffalo District has reviewed the 44 policy statements in Part II, Section 6 of the August 1982 State of New York Coastal Management Program and Final Environmental Impact Statement. The USACE evaluation of the project has determined that, to the maximum extent practicable, it would be consistent with the State of New York Coastal Management Program. This Consistency Determination was submitted to the New York Department of State for concurrence on January 3, 2001. In a letter dated February 23, 2001, the New York Department of State concurred with this determination.

9. Point of Contact: Patti M. McKenna  
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Environmental Analysis Team

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You may review the preceding information and present any comments or recommendations in writing to Ms. McKenna's attention at the following address:

Environmental Analysis Team  
U.S. Army Corps of Engineers  
Buffalo District  
1776 Niagara Street  
Buffalo, NY 14207-3199

Please provide your comments/recommendations within 30 days from the date of this letter.  
Thank you for your involvement in this project.

A handwritten signature in black ink that reads "David J. Conboy" followed by a stylized flourish.

David J. Conboy, P.E.  
Team Leader  
Environmental Analysis Team

**TABLE 1.** General Environmental Impact Assessment.

<b>IMPACT/ RESOURCE</b>	<b>ENVIRONMENTAL EFFECT</b>
Noise	Short-term localized increase due to the operation of dredging equipment. No sensitive receptors in project area.
Displacement of People	No effect.
Aesthetic Values	Short-term degradation during dredging operations due to turbidity and presence of dredging equipment.
Health and Safety	Removal of channel shoals would maintain navigation safety.
Community Cohesion	No effect.
Desirable Community Growth	Maintenance of the economic viability of the harbor would facilitate desirable community growth.
Environmental Justice	No disproportionate adverse effects on minority or low-income communities.
Archaeological Sites/Historic Properties	No effect.
Tax Revenues	No effect.
Property Values	No effect.
Public Facilities and Services	Channel dredging would maintain the navigability of the harbor.
Desirable Regional Growth	Maintenance of navigable depths at the harbor preserves the area's capability for desirable regional growth.
Employment/ Labor Force	Short-term increase in employment opportunities during project implementation.
Business and Industrial Activities	Removal of shoals would facilitate continued commercial navigation at the harbor.
Displacement of Farms	No effect.

**TABLE 1.** General Environmental Impact Assessment (continued).

<b>IMPACT/ RESOURCE</b>	<b>ENVIRONMENTAL EFFECT</b>
Man-Made Resources	Avoids adverse impacts on artificial reef constructed by Niagara Mohawk.
Natural Resources	Consumption of fuel during dredging/discharge activities.
Air Quality	Short-term and minor increase in the release of fugitive dust and air pollutants associated with fuel combustion during dredging and discharge activities.
Water Quality	Short-term increases in local turbidity. No significant adverse impacts on public water intakes.
Fish and Wildlife Resources	Short-term disruption to aquatic habitat and fish and wildlife species. Protection of lake trout habitat.
Vegetation	Possible destruction of submerged aquatic vegetation.
Wetlands	No effect.
Threatened or Endangered Species	No effect.

## **TABLE 2.** Federal Environmental Protection Laws, Orders, and Policies.

### **1. PUBLIC LAWS**

- (a) American Folklife Preservation Act, P.L. 94-201; 20 U.S.C. 2101, *et seq.*
- (b) Anadromous Fish Conservation Act, P.L. 89-304; 16 U.S.C. 757, *et seq.*
- (c) Antiquities Act of 1906, P.L. 59-209; 16 U.S.C. 431, *et seq.*
- (d) Archaeological and Historic Preservation Act, P.L. 93-291; 16 U.S.C. 469, *et seq.* (Also known as the Reservoir Salvage Act of 1960, as amended; P.L. 93-291, as amended; the Moss-Bennett Act; and the Preservation of Historic and Archaeological Data Act of 1974.)
- (e) Bald Eagle Act; 16 U.S.C. 668.
- (f) Clean Air Act, as amended; P.L. 91-604; 42 U.S.C. 1857h-7, *et seq.*
- (g) Clean Water Act, P.L. 92-500; 33 U.S.C. 1251, *et seq.* (Also known as the Federal Water Pollution Control Act; and P.L. 92-500, as amended.)
- (h) Coastal Zone Management Act of 1972, as amended, P.L. 92-583; 16 U.S.C. 1451, *et seq.*
- (i) Endangered Species Act of 1973, as amended, P.L. 93-205; 16 U.S.C. 1531, *et seq.*
- (j) Estuary Protection Act, P.L. 90-454; 16 U.S.C. 1221, *et seq.*
- (k) Federal Environmental Pesticide Control Act, P.L. 92-516; 7 U.S.C. 136.
- (l) Federal Water Project Recreation Act, as amended, P.L. 89-72; 16 U.S.C. 460-1(12), *et seq.*
- (m) Fish and Wildlife Coordination Act of 1958, as amended, P.L. 85-624; 16 U.S.C. 661, *et seq.*
- (n) Historic Sites Act of 1935, as amended, P.L. 74-292; 16 U.S.C. 461, *et seq.*
- (o) Land and Water Conservation Fund Act, P.L. 88-578; 16 U.S.C. 460/-460/-11, *et seq.*
- (p) Marine Mammal Protection Act of 1972, P.L. 92-522; 16 U.S.C. 1361, *et seq.*
- (q) Marine Protection, Research and Sanctuaries Act of 1972, P.L. 92-532; 33 U.S.C. 1401, *et seq.*
- (r) Migratory Bird Conservation Act of 1928; 16 U.S.C. 715.
- (s) Migratory Bird Treaty Act of 1918; 16 U.S.C. 703, *et seq.*
- (t) National Environmental Policy Act of 1969, as amended, P.L. 91-190; 42 U.S.C. 4321, *et seq.*
- (u) National Historic Preservation Act of 1966, as amended, P.L. 89-655; 16 U.S.C. 470a, *et seq.*
- (v) Native American Religious Freedom Act, P.L. 95-341; 42 U.S.C. 1996, *et seq.*
- (w) Resource Conservation and Recovery Act of 1976, P.L. 94-580; 7 U.S.C. 1010, *et seq.*
- (x) River and Harbor Act of 1899, 33 U.S.C. 403, *et seq.* (Also known as the Refuse Act of 1899.)

**TABLE 2.** (continued).

- (y) Submerged Lands Act of 1953, P.L. 82-3167; 43 U.S.C. 1301, *et seq.*
- (z) Surface Mining and Reclamation Act of 1977, P.L. 95-89; 30 U.S.C. 1201, *et seq.*
- (aa) Toxic Substances Control Act, P.L. 94-469; 15 U.S.C. 2601, *et seq.*
- (bb) Watershed Protection and Flood Prevention Act, as amended, P.L. 83-566; 16 U.S.C. 1001, *et seq.*
- (cc) Wild and Scenic Rivers Act, as amended, P.L. 90-542; 16 U.S.C. 1271, *et seq.*

**2. EXECUTIVE ORDERS**

- (a) Executive Order 11593, Protection and Enhancement of the Cultural Environment. May 13, 1979 (36 FR 8921; May 15, 1971).
- (b) Executive Order 11988, Floodplain Management. May 24, 1977 (42 FR 26951; May 25, 1977).
- (c) Executive Order 11990, Protection of Wetlands. May 24, 1977 (42 FR 26961; May 25, 1977).
- (d) Executive Order 11514, Protection and Enhancement of Environmental Quality, March 5, 1970, as amended by Executive Order, 11991, May 24, 1977.
- (e) Executive Order 12088, Federal Compliance with Pollution Control Standards, October 13, 1978.
- (f) Executive Order 12372, Intergovernmental Review of Federal Programs, July 14, 1982.
- (g) Executive Order 12856, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements, August 3, 1993.
- (h) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (amended January 10, 1995).

**3. OTHER FEDERAL POLICIES**

- (a) Council on Environmental Quality Memorandum of August 11, 1980: Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act.
- (b) Council on Environmental Quality Memorandum of August 10, 1980: Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the National Inventory.
- (c) Migratory Bird Treaties and other international agreements listed in the Endangered Species Act of 1973, as amended, Section 2(a)(4).



**TABLE 3.** List of Agencies/Organizations/Individuals consulted.

Federal

Federal Emergency Management Administration  
Federal Maritime Commission  
U.S. Department of Agriculture  
    Natural Resource Conservation Service  
U.S. Department of Commerce  
    National Oceanic and Atmospheric Administration  
U.S. Department of Energy  
U.S. Department of Housing and Urban Development  
U.S. Department of the Interior  
    Fish and Wildlife Service  
    National Park Service  
U.S. Department of State  
U.S. Department of Transportation  
    Coast Guard  
U.S. Environmental Protection Agency

Tribal

Seneca Nation of Indians

State

New York State Department of Environmental Conservation Region 9  
    Wildlife Resources Center - Natural Heritage Program  
New York State Department Of Health  
    Division of Environmental Protection  
New York State Department of State  
    Division of Coastal Resources and Waterfront Revitalization  
New York State Department of Transportation  
    Highways, Aviation and Ports Division  
New York State Museum  
New York State Office of Parks, Recreations, and Historic Preservation

County

Chautauqua County Health Department  
Chautauqua County Planning Department  
Chautauqua County Historical Society

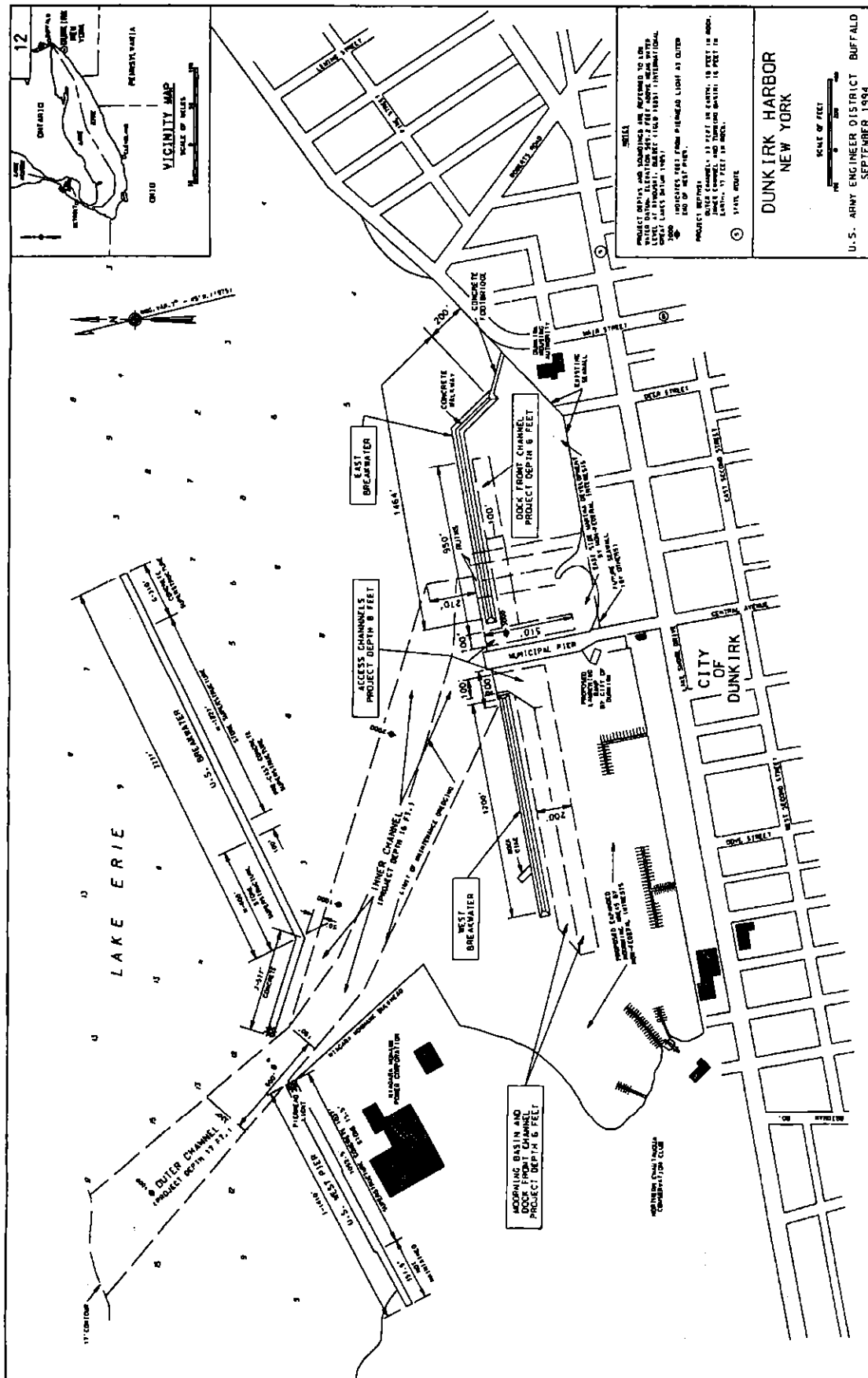
**Table 3.** List of Agencies/Organizations/Individuals consulted (cont'd).

Local

City of Dunkirk Engineer  
City of Dunkirk Historical Society  
City of Dunkirk Harbor Commission  
Mayor, City of Dunkirk Planning Department

Regional/Other Interests

Audubon Society of New York State  
Ducks Unlimited  
Dunkirk Historical Society  
Great Lakes Commission  
Great Lakes Fishery Commission  
Great Lakes Historical Society  
Great Lakes United  
Great Lakes Tomorrow  
International Joint Commission  
Lake Carriers Association  
Lower Lakes Marine Historical Society  
National Audubon Society – Northeast Regional Office  
Niagara Mohawk Power Corporation  
NRG Dunkirk Operations Inc.  
Trout Unlimited, New York Council  
Southern Tier West Regional Planning and Development Board  
U.S. Great Lakes Shipping Association



**Figure 1. Map of Dunkirk Harbor**

Overview map of Dunkirk Harbor depicting the locations of the Federal Channels proposed for dredging, the U.S. Breakwater, U.S. West Pier, Municipal Pier, and associated harbor features. Also includes a vicinity map showing Dunkirk's geographical position on Lake Erie.

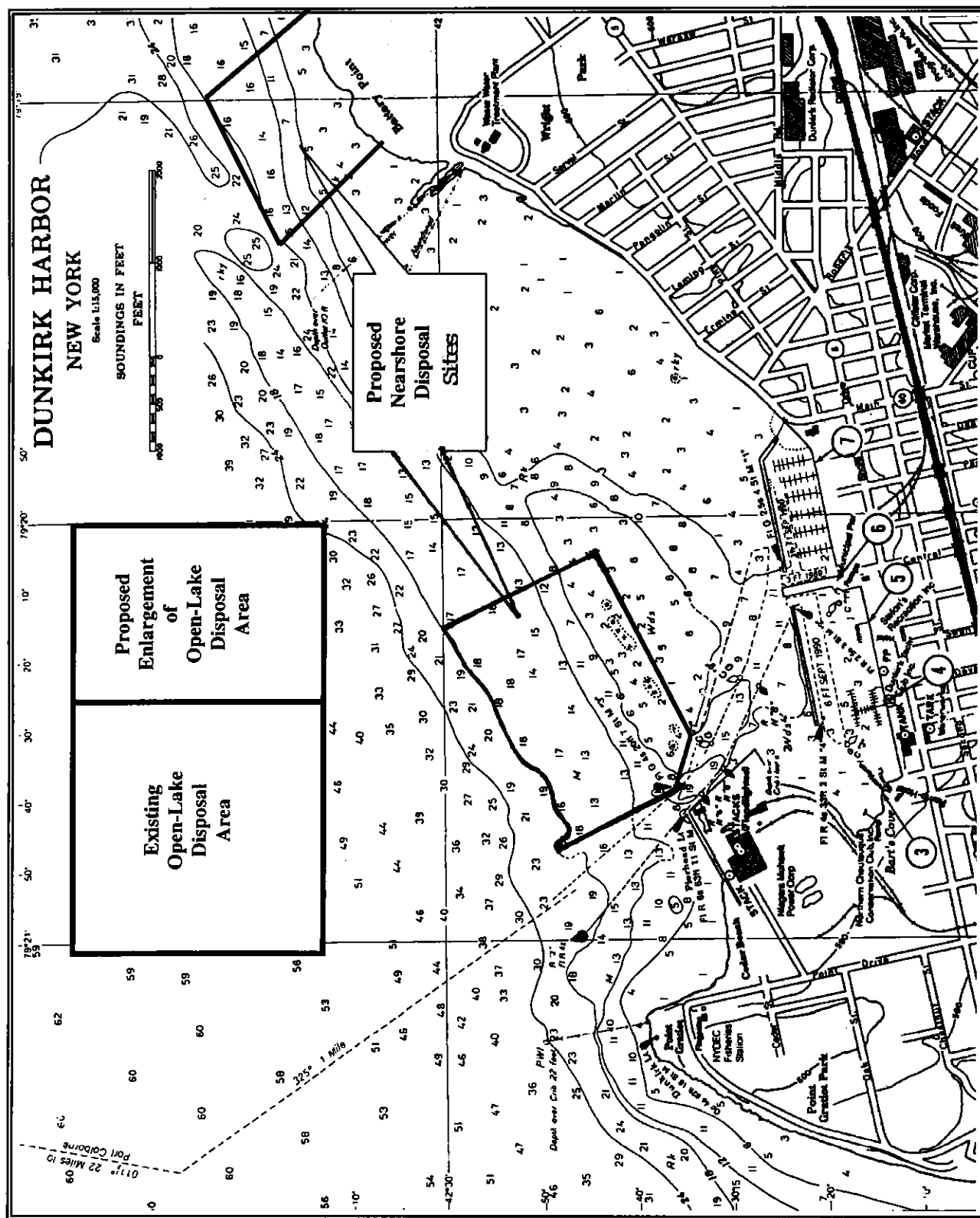


Figure 2. Dunkirk Harbor Nearshore and Open-Lake Disposal Sites

Overview map of Dunkirk Harbor depicting the locations of the existing open-lake disposal area, the proposed enlargement for the existing open-lake disposal area, and the two proposed nearshore disposal sites, one located off Battery Point, and the other just west of the U.S. Pierhead Light in front of the U.S. Breakwater.